

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**CRITTENDEN HOSPITAL ASSOCIATION**  
**Debtor**

**No. 3:14-bk-14948**  
**Chapter 7**

**MOTION OF CHAPTER 7 TRUSTEE FOR AN ORDER APPROVING THE SALE OF:  
(I) AR PROCEEDS; AND (II) REMNANT ASSETS, FREE AND CLEAR OF LIENS,  
CLAIMS, INTERESTS, AND ENCUMBRANCES PURSUANT TO 11 U.S.C. §§ 105  
AND 363 AND RELATED RELIEF**

Comes now A. Jan Thomas, Jr., chapter 7 trustee (“Trustee”) for the bankruptcy estate (“Estate”) of the above captioned debtor (“Debtor”), and requests the entry of an order approving the sale of: (i) the AR Proceeds (as defined herein) to Professional Credit Management, Inc. (“PCM”), free and clear of liens, claims, interests, and encumbrances pursuant to 11 U.S.C. §§ 105 and 363, and related relief (“Motion”). In support of the Motion, the Trustee respectfully states as follows:

**Jurisdiction**

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue of this proceeding and this Motion is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief sought herein are sections 105(a) and 363 of title 11 of the United States Code (“Bankruptcy Code”), as well as Rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”).

**Background**

3. On September 12, 2014, the Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code.

4. On or about September 13, 2014, the Trustee was appointed as the chapter 7 trustee for the Debtor’s Estate.

5. Since being appointed, the Trustee has administered the Debtor's Estate for the benefit of its creditors in accordance with his power and duties. The Trustee is now in the process of winding down the administration of this case. To that end, the Trustee is engaged in efforts to ensure that the maximum value of the Estate's remaining assets is realized, which efforts include pursuing the sale of any remaining assets.

#### **AR Proceeds**

6. The Trustee and PCM have negotiated for the sale of the AR Proceeds in exchange for \$4,000. The AR Proceeds do not include (i) cash held by the Trustee for distribution to creditors and professionals; and (ii) any and all Goods<sup>1</sup> (e.g., office furniture) of the Debtor.

#### **Requested Relief**

7. By this Motion, the Trustee seeks the entry of an order pursuant to sections 105 and 363(b), (f), and (m) of the Bankruptcy Code, as well as Bankruptcy Rule 6004, (a) authorizing the Trustee to sell the AR Proceeds to PCM.

8. Each sale shall be free and clear of all liens, claims, interests, and encumbrances.

9. In the Trustee's business judgment, the Price for the AR Proceeds represent fair and reasonable sales price. Additionally, the benefit of receiving immediate payment for the assets, which are largely uncollectible and/or unknown, outweighs the potential benefit of retaining the AR Proceeds.

10. It is for the foregoing reasons that the Trustee believes that the sale of the AR Proceeds serves the best interests of the Estate and the Debtors' creditors as the sale will allow the Trustee to realize additional funds for the benefit of the Estate. Accordingly, the sale of the

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<sup>1</sup> The term "Goods" as used herein shall have the meaning ascribed to it under § 9-102(a)(44) of the Uniform Commercial Code.

assets to PCM be approved as requested.

11. The Trustee believes that the sale of the AR Proceeds serves the best interests of the Debtor's Estate and creditors, as the sale will allow the Trustee to realize additional funds for the benefit of the Estate. Accordingly, the sale of the AR Proceeds to PCM should be approved as requested.

**Notice**

NOTICE IS FURTHER GIVEN that if no objection is filed within ten (10) days of the date of this notice, an Order may be entered approving the Motion, as requested. If an objection is timely filed, a hearing will be set by subsequent notice from the Clerk of the United States Bankruptcy Court.

WHEREFORE, the Trustee respectfully requests entry of an order: (i) authorizing the sale of: (a) the AR Proceeds to PCM, (ii) granting such other and further relief as this Court deems just and proper.

Dated: July 6, 2018.

Respectfully submitted,

/s/ A. Jan Thomas, Jr.  
A. JAN THOMAS, JR., TRUSTEE  
306 West Bond Street  
West Memphis, AR 72301  
Phone: (870) 735-7700

**CERTIFICATE OF SERVICE**

I, A. Jan Thomas, Jr., do hereby certify that the foregoing Pleading has been electronically filed with the US Bankruptcy Court and served by the Court's electronic notification system pursuant to previous Order filed with this Court upon each of the parties this 6th day of July, 2018.

/s/ A. Jan Thomas, Jr.  
A. Jan Thomas, Jr.